

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KENNETH E. JAMES,

Plaintiff,

v.

No. 3:18-cv-01414-AC

OPINION AND ORDER

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION;**
Jenny Yang, Chair,

Defendants.

MOSMAN, J.,

On April 30, 2019, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F&R) [17], recommending that Defendants' Amended Motion to Dismiss [9] should be GRANTED. No objections were filed.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the

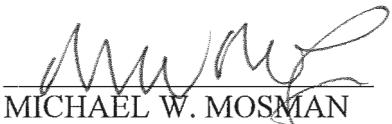
court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's recommendation and I ADOPT the F&R [17] as my own opinion. Defendants' Amended Motion to Dismiss [9] is GRANTED, Plaintiff's claims are dismissed with prejudice.

IT IS SO ORDERED.

DATED this 12 day of June, 2019.



MICHAEL W. MOSMAN
Chief United States District Judge